

ANTI-ALIEN LEGISLATION IN CALIFORNIA



Statements and Messages by
Gov. Hiram W. Johnson

Comment on California's Attitude
by Eastern Investigators

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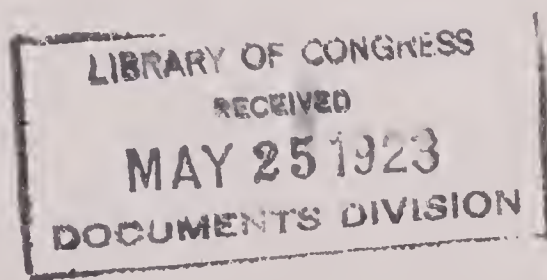


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LAND LAW ENACTED BY STATE LEGISLATURE IN 1913

CHAPTER 113: *An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this state, providing for escheats in certain cases, prescribing the procedure therein, and repealing all acts or parts of acts inconsistent or in conflict herewith.*

(Approved May 19, 1913.)

The people of the State of California do enact as follows:

SECTION 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit and inherit real property, or any interest therein, in this state, in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this state.

SEC. 2. All aliens other than those mentioned in section one of this act may acquire, possess, enjoy and transfer real property, or any interest therein, in this state, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject and not otherwise, and may in addition thereto lease lands in this state for agricultural purposes for a term not exceeding three years.

SEC. 3. Any company, association or corporation organized under the laws of this or any other state or nation, of which a majority of the members are aliens other than those specified in section one of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy and convey real property, or any interest therein, in this state, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise, and may in addition thereto lease lands in this state for agricultural purposes for a term not exceeding three years.

SEC. 4. Whenever it appears to the court in any probate proceeding that by reason of the provisions of this act any heir or devisee can not take real property in this state which, but for said provisions, said heir or devisee would take as such, the court, instead of ordering a distribution of such real property to such heir or devisee, shall order a sale of said real property to be made in the manner provided by law for probate sales of real property, and the proceeds of such sale shall be distribut-

ed to such heir or devisee in lieu of such real property.

SEC. 5. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section two of this act, or by any company, association or corporation mentioned in section three of this act, shall escheat to, and become and remain the property of the State of California. The attorney general shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section 474 of the Political Code and title eight, part three of the Code of Civil Procedure. Upon the entry of final judgment in such proceedings, the title to such real property shall pass to the State of California. The provisions of this section and of sections two and three of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon, or interest in such property, so long as such real property so acquired shall remain the property of the alien, company, association or corporation acquiring the same in such manner.

SEC. 6. Any leasehold or other interest in real property less than the fee, hereafter acquired in violation of the provisions of this act by any alien mentioned in section two of this act, or by any company, association, or corporation mentioned in section three of this act, shall escheat to the State of California. The attorney general shall institute proceedings to have such escheat adjudged and enforced as provided in section five of this act. In such proceedings the court shall determine and adjudge the value of such leasehold, or other interest in such real property, and enter judgment for the state for the amount thereof together with costs. Thereupon the court shall order a sale of real property covered by such leasehold, or other interest, in the manner provided by section 1271 of the Code of Civil Procedure. Out of the proceeds arising from such sale, the amount of the judgment rendered for the state shall be paid into the state treasury and the balance shall be de-

posited with and distributed by the court in accordance with the interest of the parties therein.

SEC. 7. Nothing in this act shall be construed as a limitation upon the power of the state to enact laws with

respect to the acquisition, holding or disposal by aliens of real property in this state.

SEC. 8. All acts and parts of acts inconsistent, or in conflict with the provisions of this act are hereby repealed.

STATEMENTS AND MESSAGES BY GOVERNOR HIRAM W. JOHNSON

State Is Within Its Rights, Says Governor; Why Should It Be Made Object of Attack?

Governor Johnson gave to the press the following statement bearing upon the anti-alien issue:

"Californians are unable to understand why an Act admittedly within the jurisdiction of the California Legislature, like the passage of an alien land bill, creates tumult, confusion and criticism and why this local Act of undoubted right becomes an international question.

Same Rights as Other States.

"Of course, the California Legislature would not attempt to contravene any treaty of the Nation, nor to do more than has been done by the Federal Government itself and many other states.

"To say that California must do less or be subjected to harsh criticism and the charge of disrupting friendly relations with foreign powers is to deny to California what has been freely accorded to every other state in the Union and what has never been questioned with any other state.

"OUR LEGISLATURE IS NOW CONSIDERING AN ALIEN LAND BILL IN GENERAL LANGUAGE AND NOT DISCRIMINATORY. IF TERMS ARE USED WHICH ARE DECLARED TO BE DISCRIMINATORY, THOSE VERY TERMS LONG SINCE WERE MADE SO BY MANY ENACTMENTS AND BY THE LAWS OF THE NATION ITSELF.

Laws in Other States.

"Broadly speaking, many States have endeavored to prevent the ownership of land by those ineligible to citizenship. The power to pass such laws is conceded, but immediately upon the exercise of this power by a great sovereign State a remarkable and inexplicable outcry is heard all over the land and in other lands as well.

"THE UNITED STATES BY STATUTE PROVIDED THAT NO ALIEN OR PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES OR WHO HAS NOT DECLARED HIS INTENTION TO BECOME A CITIZEN OF THE UNITED STATES, SHALL ACQUIRE TITLE TO LAND, ETC., AND IN RELATION TO THE DISTRICT OF COLUMBIA, THE UNITED STATES STATUTES CONTAIN THE SAME INHIBITION.

"Arizona, in 1912, passed its Act that no person other than a citizen of the United States or who has declared his intention to become such shall hereafter acquire any land, etc., and this statute, though passed in 1912 did not provoke a storm of protest from well-meaning philanthropists in our own land, or threaten a rupture in diplomatic relations with any foreign nation.

Similar Law in Washington.

"The state of Washington prevents the acquisition or holding of lands by those who are 'incapable of becoming citizens of the United States, and neither the right nor the propriety of this enactment by the State of Washington was denied.

"Illinois has enacted that an alien may hold title for the period of six years and then if he shall not have become a citizen of the United States proceedings shall be commenced for the sale of the land and the proceeds shall go to the State.

"Minnesota provides that no person unless he be a citizen of the United States or has declared his intention to become a citizen shall acquire land.

"Missouri has a similar enactment, Kentucky, Oklahoma, Texas, all have laws of this character.

Turn About Fair Play.

"We of California ask, therefore, why should California be singled out for attack when it is exercising the same right that has been exercised by so many states and by the United States itself?

"Japan, until 1910, had an absolute law against alien ownership, and in effect has it yet. What the United States Government has done, what has been done by many States of the Union, what has been done by Japan—all of which admittedly has been done in pursuance of unquestioned power and undoubted right—is now attempted to be done by the State of California; and no reason can logically exist for hysteria, for sundering friendly relations

with any power, or for offense and threats by any nation.

"THE CHARACTER OF THE PRESENT CALIFORNIA LEGISLATURE IS THE GUARANTEE THAT ONLY LEGISLATION DEEMED ABSOLUTELY ESSENTIAL FOR THE PRESERVATION OF THE STATE AND THE PROTECTION OF ITS PEOPLE—LEGISLATION HAVING ITS PRECEDENT IN THE ENACTMENT OF THE NATIONAL GOVERNMENT AND THE VARIOUS STATES—WILL BE PASSED. And such measures as may be enacted will be considered thoroughly, calmly, judicially and without prejudice or discrimination."—Sacramento Bee, March 19, 1913.

WHAT OF THE DIGNITY OF CALIFORNIA?

Governor Hiram W. Johnson yesterday gave out the following statement concerning his position on the proposed anti-alien land legislation:

The suggestion of the President that the secretary of state visit California for conference on the pending land bills was at once accepted by both houses of the legislature and by the governor, and we will be glad to welcome Mr. Bryan on his arrival.

While the legislature very properly maintained the right of the state to legislate on a matter clearly within its jurisdiction, I am sure there is no disposition to encroach on the international functions of the federal government, or justly to wound the sensibilities of any nation.

My protest has been against the discrimination to which California has been subjected in the assumption that action which has been accepted without demur when taken by other states and by the nation is offensive if even discussed by California.

Much has been said of the dignity of Japan. We would not willingly affront the dignity of Japan, nor offend its pride. But what shall be said of the proposition that a great state, itself an empire, of possibilities greater than those of most nations, shall be halted from the mere consideration of a legislative act, admittedly within its jurisdiction, and so halted by the protest of a foreign power which has itself enacted even more stringent regulations on the same subject? What of the dignity of California?

Admittedly, California has a right to pass an Alien Land Bill. No one suggests that such a bill should in terms describe the Japanese. It has been suggested that such a law in California shall follow the distinctions which are already an unprotested part of the law and policy of the United States. The United States has determined who are eligible to citizenship.

The nation has solemnly decreed that certain races, among whom are the Japanese, are not eligible to citizenship. The line has been drawn not by California, but by the United States. Discrimination, if it ever occurred, came and went, when the nation declared who were and who were not eligible to citizenship. If California follows the line marked out by the federal government the United States and not California should be accused of discrimination.

The constitution of California since 1879 has said that the presence of foreigners, ineligible to become citizens of the United States, is declared to be dangerous to the well-being of the state, and the legislature shall discourage their immigration by all means within its power. The alien land law of the state of Washington provides that "an alien, except such as by the laws of the United States are incapable of becoming citizens of the United States, may acquire and hold land, etc." The state of Arizona in 1912 enacted that "no person not eligible to become a citizen of the United States shall acquire title to any land or real property, etc." No protest was made against the

policy of the laws of the United States, nor against its adoption into the laws of Washington and Arizona. If the legislature of California were to determine on similar action, it would be merely following the declaration of our constitution, the policy of the United States government, and the precedents of at least two states.

Protest Against Verbal Assault

We protest, while we are merely debating similar laws, against having trained upon us, not only the verbal batteries of Japan, but those of our own country.

The position that we occupy at this moment is not pleasant to contemplate. Calmly and dispassionately, we are discussing a law admittedly within our province to enact. Objection is made by Japan and forthwith it is demanded that we cease even discussion, and

upon us, if we do not cease calm and dispassionate consideration of that which is desired by a great portion of our people, and which we have the legal and moral right to do, is placed the odium of bringing possible financial disaster and even worse upon our nation.

What a situation for a great state and a great people!

The question in all its various forms is an old and familiar one. The only thing about it is the hysteria which it seems to arouse when California is the place in which it comes up. My protest has been and is against this discrimination. This state will not willingly do anything to which there could be just objection, national or international. But it does resent being singled out for opposition on matters which pass unprotested when they happen elsewhere. —"California Outlook," March 15, 1913.

GOVERNOR JOHNSON'S ANSWER TO SECRETARY OF STATE BRYAN

Sacramento, May 14, 1913.

Hon. Wm. J. Bryan,
Secretary of State,
Washington, D. C.

Your very courteous telegram relating to the Alien Land Bill reached me late Sunday night.

I take it from our conversations and your requests made to me to withhold executive action until opportunity was accorded for the presentation of suggestions from the Federal government, that your telegram embodies what it was your wish and the wish of the President to say to us before final action.

In this response it is my design most respectfully to present the situation from our standpoint, and the views that actuated our legislature in passing the bill, and that impell me to sanction it.

For many years, a very grave problem, little understood in the East, has confronted California; a problem, the seriousness of which has been recognized by statesmen in our nation, and has been viewed with apprehension by The People of this state.

When the present constitution of California was adopted more than thirty years ago, it contained the following declaration:

"The presence of foreigners ineligible

to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all means within its power".

Of late years our problem from another angle has become acute, and the agitation has been continuous in the last decade in reference to our agricultural lands, until finally affirmative action in an attempted solution became imperative.

This attempted solution is found in the action of our Legislature in the passage of the Alien Land Bill. In the phraseology of this bill, in those whom it affects, in its scope and in its purpose we believe we are within our legal and moral rights, and that we are doing only what is imperatively demanded for the protection and preservation of our state.

In this enactment we have kept ever in mind our national good faith as evidenced by existing treaties, and our desire and anxiety have been to act only in such fashion as would commend us to our sister states and would justify us to our fellow-countrymen.

The objections to our bill are based, first, upon the treaty obligations of the Nation, and, secondly, upon the assertion that our Act is offensive and discriminatory.

The protest to our measure, as your telegram states, comes from the representatives of Japan.

The bill that is now before me, as you know, provides substantially in the first section that all aliens eligible to citizenship under the laws of the United States may acquire real property in the same manner as citizens of the United States; and the second section provides that all aliens other than those mentioned, in the first section, may acquire real property in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the Nation or country of which such aliens are citizens or subjects; and may, in addition, lease for a period of three years lands for agricultural purposes.

Thus we have made existing treaties a part of our law, and thus have we preserved every right that any foreign nation, by international contract, has insisted upon preserving with our National Government.

The treaty of 1911 with Japan in reference to the citizens and subjects of each country provides that they shall have "liberty to own, or lease, or occupy houses, manufacturies, warehouses and shops; to employ agents of their choice; to lease land for residential and commercial purposes and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations where established."

We assume that the right of Japanese to own real property for the purposes described is absolute in our state and we seek to deal only with our agricultural lands. We embody the treaty in our law and we add to it permission to lease our agricultural lands for the period of three years.

Where such extraordinary care has been excised to preserve honor and good faith—in the very words of the contract made by the protesting nation with our own—and to do more by authorizing lease of agricultural lands, it would seem that we ought not to be open to any accusation of violation of treaty rights or desire to entrench upon that which belongs alone to the National Government, or which might become a matter of international policy.

By the law adopted we offer no offense; we make no discrimination. The offense and discrimination are contained, it is claimed, in the use of the words "eligible to citizenship," and in making a distinction between those who are eligible to citizenship and those who are not.

We do not mention the Japanese or any particular race. The Constitution of California in 1879, made its distinction, and there never has been protest or objection. The naturalization laws of the United States, long since, without demur from any nation, determined who were and who were not eligible to citizenship.

If invidious discrimination ever were made in this regard, the United States made it when the United States declared who were and who were not eligible to citizenship.

And when we but follow and depend upon the statutes of the United States and their determination as to eligibility to citizenship, we cannot be accused of indulging in invidious discrimination.

May I venture to call to your attention the immigration law now pending in Congress, which passed both Houses of the last Congress, where apparently certain classes who shall be excluded from our country are described as "persons who cannot become eligible under existing laws to become citizens of the United States?"

At this very moment the National Legislature, without protest or objection—indeed, it is published in California, by express consent—is using the terms that are claimed in California's law to be offensive and discriminatory.

At least three states in the Union have in the past enacted laws similar to the contemplated law of California, and the enactments of those other states have been without objection or protest.

The protest as now made in respect to California but emphasizes the acuteness of the problem confronting California, and demonstrates that California is differently viewed than other states in the Union; and that, if discrimination exists it is discrimination against California.

We insist that justly no offense can be taken by any nation to this law, and more particularly does this seem to us clear in the instance of a nation like Japan, that, by its own law, prevents acquisition of land by aliens.

It is most respectfully submitted that, after all, the question is not whether any offense has been taken, but whether justly it should be taken.

In my voice, I think, the sentiment of the majority of the Legislature of this state, when I say that if it had been believed that offense could justly be taken by any nation to the proposed law, that law would not have been enacted.

We of California believe firmly that in our legislative dealings with this alien land question we have violated absolutely no treaty rights; we have shown no shadow of discrimination; we

have given to no nation the right to be justified in taking offense.

So believing—with a strong reliance on the justice and the righteousness of our cause, and with due deference and courtesy and with proper consideration for the feelings and the views of others—we had hoped the authorities at Washington would have seen the questions as we in this state have been forced to see it, as we must see it, or be blind.

And so, with all respect and courtesy, the State of California feels it its bounden duty to its citizens to do that which the interests of its people demand; that which the conscience of its people approve, that which violates no treaty rights; that which presents no discrimination; and that which can give no just cause for offense.

You have suggested to me delay; but this question was very earnestly and

fully presented by you to our Legislature, and the Legislature determined to proceed. My province is to approve or disapprove the law as presented. Our people, as represented in the Legislature, have overwhelmingly expressed their desire for the present alien bill. The vote in the Senate was thirty-five to two and in the Assembly seventy-two to three.

With such unanimity of opinion, even did I hold other views, I would feel it my plain duty to sign the bill, unless some absolutely controlling necessity demanded contrary action. Apparently no such controlling necessity exists. It is with the highest respect for yourself and the President, that I feel my duty to my state compels me to approve the action of the Legislature.

HIRAM JOHNSON,
Governor.

Comment On California's Attitude By Eastern Investigators

CALIFORNIA'S SIDE OF IT

Why the Little Man From Little Nippon is Giving the Big
State of California a Fearfully Bad Time.

By EDWARD HUNGERFORD, in "Harpers' Weekly."

If you want to view the Japanese situation through the eyes of California drive out to Florin, just beyond the wide-sprawling city of Sacramento. Florin is in the heart of one of the richest agricultural districts upon the continent. It grows strawberries and Tokay grapes, chiefly the former. Recently it has added another crop—little flat-faced, brownskin children. And it is because of these children that a problem, at the beginning almost exclusively Californian, has become something more than a national one. It is because of the thing that the changing population of Florin typifies that a mob of twenty thousand angry Japanese marched through the streets of Tokio last month execrating Americans and all things American.

It was because of this very thing that we drove out from Sacramento to Florin on a May afternoon and over one of the wonderful "county roads" of which your California farmer is so justly proud. The country on either side

bespoke prosperity. Like a calm sea it stretched away to intangible horizons, a dead level of fertile land, bringing forth as only the semi-tropical California farm-land can bring, the fruits of the earth. Innumerable home-fashioned windmills brought to the earth the moisture of hidden waters. The road that leads from Sacramento off toward Stockton is a busy way. Down it come automobiles of the prosperous fruit-farmers of the valley—and they are not all cheap or second-hand cars, at that.

Florin is a typical California farming village, with its broad main street, its dusty wooden houses, its inevitable yellow depot. It harbors, in addition to that inevitable railroad station, two general stores, two blacksmith shops, three saloons, a restaurant—so-called—crude little wooden church, and a schoolhouse over which the American flag is floating. Japanese own and conduct a general store, a blacksmith shop, and two of the saloons, in addition to the restaurant. Excluding the church,

the school, and the railroad, it might be fairly said that they hold the balance of commercial power at Florin. And that does not represent their balance of numerical strength. There are between 300 and 400 American men and women upon the polling-lists of Florin. There are some 1500 full-grown Japanese men and women dwelling within the township.

It was in 1885 that Japanese emigration into the United States was legalized, although, since 1907, the so-called "gentlemen's agreement" has done away with the necessity of issuing passports. It was long after 1885 before California looked upon the Japanese with anything else than a sort of humorous affection. They met the merry taste of a merry folk. As house servants they were even superior to the Chinese, and so house servants they became. That was in the beginning. It was not until some twelve or fifteen years ago that the Japanese seemed to take real cognizance of agricultural California. And it was the most natural thing in the world that a class of men who succeeded as house servants because of their ability to do hard and grinding work, and to do it well, should succeed as servants in the fields and in the orchards. The problem of engaging "white help" for farm work was following closely in the track of the similar difficulties in domestic services. So the Japanese began to multiply in the fields of California—particularly in the reclaimed districts around about Sacramento, the San Joaquin, the Santa Clara, and the Vaca Valleys.

In a little time they had more than merely met the shortage of "white help" in these farming territories, where plenty of human hands are necessary for a successful marketing of the crops. Instead of meeting a shortage they were driving the white men out of many of the fields of California—Irish, German, even native born Americans, who, because of mental inaptitude, might hardly hope for better than manual labor through the years of their lives. The process was simple. The Japanese could live on lower wages. Then, when the last of the competent white help of those fertile valley bottoms had gone his way, the Jap began, with the slow, patient, persistent, insistence which is so characteristic of him, to demand a better wage. His white employer rubbed his eyes in astonishment. There was a point to which such advances might go and still leave a margin of profit for the owner of the farm. But that point was soon passed and still the inscrutable brown men demanded their increases. If they did not receive them they went

away—and the farmer looked elsewhere for laborers. It was all a part of a well-conceived plan.

Now you can perceive the situation, as the Californian sees it today. The Japanese having forced out the employee, has begun to force out the employer—particularly in the best lands of the river valleys. Staggered by the steady demands for an increase of pay and by the passing of the white farm laborer, the white farmer of those rich valleys within a hundred miles finds himself confronted by three choices. He can sell his farm to the Japanese, he can lease it to them, or he can let them operate it on shares. All these paths are intolerable to the native Californians—the sons of the men who came out to the state when it was a wilderness and who have had a hand in making it both strong and great—but none other seems open to them. Generally they are glad to sell and get out, sometimes they lease, but they very rarely are content to work the thing on shares. White man and brown man do not make congenial partners.

So much for the typical farm-land situation. Now consider, for an instant, the situation in the cities. Sacramento, where we started to drive to Florin, will do. Sacramento is a typical, bustling, hustling, American town; with a decent self-respect and pride in itself that breaks forth in well-planned and handsome buildings, well-groomed streets and lawns. For a time the Japanese were content to live in the cheaper and older parts of the town, for Sacramento, like many of its larger brethren, has an unconscionable habit of spreading its wings almost over night and slipping out from its older and more congested streets. The Japanese wanted to spread his wings too. In no one other way did he show the difference that exists between the Chinaman and himself more clearly. John Chinaman is not ambitious. He is honest, clean, hard-working, to his own lights highly moral, but when his day's work in the kitchen or the laundry is finished he is content to smoke his pipe and dream. His dreams do not carry, however, far beyond that kitchen or that laundry.

Your Japanese is highly different. He dreams of being a legislator, but in the meantime he is ready to take some intermediate steps—to become a small shopkeeper, a banker, anything that brings him responsibility, increased earnings, and power. His social ambitions keep pace with his commercial. No street, no quarter of any California city, is too good for him, or for his. And his methods of injecting himself into such a quarter is quite as ingeni-

ous as his way of getting control of farmlands.

He will go into the part of the city that he likes—in Sacramento or Berkeley or San Jose, even San Francisco—and he will buy a house that he likes. He will pay any price that the owner demands, perhaps up to five times its value. The instant the sale is announced the value of other property in that block begins to decline. He will probably pick up an adjoining house or two at about its assessed value. After that he and his compatriots can have the remainder of the block at their own price. The Japs have made a shrewd enough bargain to more than cover the outrageous price that they paid to start the wedge.

"Caste!" you begin to say.

Caste, of course, but your Californian is not more particular as to mingling with the brown men than our own beloved south has been about mingling with the black man. Of course the Japanese with better schooling and a far quicker mentality, is hardly to be compared to the negro. That makes the problem the more complicated. For to the whites of the West coast the Japanese are quite as impossible in even the most distant social connections as the negroes are to the whites of the south.

"The reason"? you begin to demand.

"The Japanese is infinitely superior to the negro."

Probably he is. The most bitter of anti-Japanese agitators will admit that he is a likable little fellow, cleanly in his habits, unwavering in his fidelity and his patriotism. If he is uncertain in his business agreements, notably so in comparison with the scrupulous Chinaman, please be broad enough to realize that the Japanese has his own code of business morals, and lives up to them. Americans and Chinese have another, much more easily understood by all of us, and so the Japanese suffers. Frankly, he has no understanding of the meaning of the word "contract." He thinks the white man silly to stand by the written provisions of a piece of paper with meaningless signatures upon it, when he can better himself by breaking those provisions. That is the Japanese way of looking at a contract. He is quite as honest-hearted and as consistent in it as when he unhesitatingly lays down his life for a friend or for his native land.

"You can put it down to racial prejudice and let it go at that," your Californian will tell you. "We say that our America is for white folks and not for yellow men."

He hesitates for a moment, then begins again.

"If you want to see what we are struggling against, take a steamer from San Francisco out to Hawaii. See what the unrestricted inflow of yellow men has done for the business and social morals of those Islands. One Ellis Island is enough for the land. And in a little while the Canal will be finished and our own Portuguese problem will be multiplying, other problems of the same sort growing as Trans-Atlantic ships filled with the trash of southern Europe come sailing up to the docks of California."

Here, then, is the fullness of the problem. It came to be a dramatic point one day a few weeks ago with a hearing on the Alien Land bill in the big Capitol at Sacramento. Some effective voices had been lifted in opposition to the measures. The management of the Exposition at San Francisco—that big show that is to be California's joy and pride two years hence—stood against the measure. The manager of the show was in rather a delicate position. For it was Japan who was the very first of all the nations to enter with an exhibit.

"We will take any number of acres up to six," she said, "and agree to spend a million dollars an acre."

She was assigned two acres and immediately began planning to build upon them, in permanent form, a reproduction of the Mikado's tea-gardens which, when the exposition is ended will be a gift to the city of San Francisco. The management of the exposition felt its debt to Japan and stood manfully against the bill. There were other interests that stood against it, among them concerns that had elaborate plans for the reclamation of marshes into rice-fields and the employment of Japanese labor for their development. All of these made good arguments. When they were done a farmer from over near Elk Grove was given the floor. He was a tall pantherish sort of a man, a deadly-in-earnest sort of a man who nervously stroked his chin-whiskers as he talked to the legislators.

"My neighbor is a Jap," he said, hastily. He has an eighty-acre place next to mine and he is a smart fellow. He has a white woman living in his house and upon that white woman's knee is a baby.

"Now what is that baby? It isn't white. It isn't Japanese. I'll tell you what it is, it is the beginning of a problem—the biggest race problem that the world has ever known."

And in that instant every objection to the bill was swept from the minds of California's legislators.

(Harpers' Weekly, June 7, 1913.)

JAPAN IN CALIFORNIA

By PETER CLARK MACFARLANE, in "Collier's."

June 7, 1913.

(Collier's gave Mr. Macfarlane but one instruction—to find out on the spot, what were the conditions that had led California to the conviction that the agricultural invasion of the Japanese must be stopped by legislation forbidding persons ineligible to citizenship from owning or leasing farm lands. Here is Mr. Macfarlane's report.)

It was the small fruit farmer of California fighting for his home and for his American community life against submergence by an Asiatic social and industrial order which forced the Anti-Alien land bill through the California Legislature. Some of the most beautiful rural districts in the State were in jeopardy.

In vain for Exposition Directors to protest, in vain for Presidents to intervene, in vain for Japan to cog and cozen—these small American farmers and rural communities felt they had a right to protection and clamored for it so insistently and with such manifest reason that none in authority dared refuse them. When the issue was finally raised there were but five men in the whole Legislature who dared to go home to their constituents and say:

The line was drawn between the white man and the brown, and we voted for the brown.

The details of the final vote were in the Assembly, seventy-two for, three against; in the Senate, thirty-five for, two against; both houses together, one hundred and seven for, five against.

This vote is the best possible answer to the charge that there was no widespread demand for the legislation, or that the demand was of a class character. Legislative districts of California probably represent a greater variety of social and industrial order than those of any other state in the Union; yet upon the subject there was almost perfect unanimity.

The extent of this sentiment is further witnessed by the quotation of a single sentence from an edition in the San Francisco "Chronicle," a paper which was strongly against the bill, that sentence reads:

"With perfect friendliness to the Japanese nation, the people of this state are overwhelmingly opposed to their, or any Orientals' owning our land."

This unanimity shows that it was not a class but a race issue. It was the clash of two races meeting upon the frontiers of their respective civilizations. It is not a question of inferiority or superiority. It is a question of existence, and of social existence at that. At the present time, and until the Panama Canal is opened, bringing fuller tides of European immigration, there is an industrial place for the Japanese in California, but socially there is no position. It is this which makes the complication. Socially the two races will not co-exist. When the Japanese farmers move in American farmers move out. This has been the inevitable result.

Yet, notwithstanding these facts, and the urgent necessity for relief, there were grave facts of expediency why nothing whatever should be done to rouse the displeasure of the Japanese nation on the eve of the Panama Pacific Exposition.

This Panama Exposition is the Californian's defiance to the fates which overwhelmed San Francisco. It is their darling project. Into it the people of California are putting some seventeen millions of dollars. They plan to make it the world's greatest industrial exposition. From all appearances they are well on their way to realize this dream. The Japanese exhibit, for which half a million dollars has been promised by that government was to be the gem and cherry blossom of the Oriental exhibit. Any sort of anti-Japanese agitation would therefore be detrimental to the exposition interests, and California cared greatly to conserve those interests. But this time anti-Japanese agitation would not down. It refused to be anaesthetized. On a former occasion President Roosevelt had browbeaten the California legislature into inaction upon the subject. President Taft, after his milder way, had delayed such legislation until it failed of passage before adjournment. But now the feeling was more intense. The situation in the few affected centers had become acute. It was for this reason that both President Wilson and the Exposition Directors failed.

However, in the presence of grave questions of expediency, Governor Johnson was entirely agreeable to postponement. The vast majority of the

legislators were also agreeable; but there were half a dozen men in the Legislature who were not agreeable, men who came from districts in which there are American communities fighting for their very existence—Assemblymen like Bradford of Sacramento, Wall of San Joaquin, Killingsworth of Vacaville—Senators like Birdsall of Placer, and Sanford of Ukiah. With the exception of Sanford and Killingsworth, Democrats who for a day listened to Mr. Bryan, none of these men could be persuaded into silence.

For the result, Japan need not blame President Wilson, nor Governor Johnson, nor the Directors of the Panama Pacific Exposition, nor the legislative majority. She need not even blame that little group of recalcitrant legislators who day after day in committee and in legislative session nagged and worried at the Anti-Alien bills until one of them was reported out of Committee and put upon passage.

Instead, the blame must be laid upon these protesting farmers who refused to stand idly by and see themselves forced out of the homes they had built, off the ranches they had tilled, out of the communities in which their children were being reared.

The source of the irresistible demand for this legislation proceeded directly from the farmer through the action of the State Grange in passing resolutions demanding anti-alien land legislation against which not one single vote was recorded. And the farmers' representative, Mr. Newman, put the case before a joint legislative committee thus epigrammatically:

If you don't give us relief, we are going to lose our homes; not by mortgage foreclosure, but by Japanese inclosure.

Just at the moment the classic instance of Japanese agrarian aggression is the town of Florin, which is but eight miles southeast of Sacramento and therefore an object lesson right at the doors of the legislature. The proponents of the anti-alien land bill took great pleasure in showing Mr. Bryan by means of this community exactly what the Japanese invasion meant. Florin is the center of a beautiful little vine and berry growing district comprising about twenty-four sections of land. A dozen years ago, each of its vineyards and berry farms surrounded and sustained an American home. Now it is estimated that sixty-five percent of these farms are owned or operated by Japanese—about 15 per cent owned and fifty per cent leased. Formerly there were about fifteen hundred whites and no Japanese in this community. Today it is estimated that there are five hundred

whites and from fifteen hundred to twenty-five hundred Japanese according to the demands of the season.

There were three large general merchandise stores in the town, owned by whites. Today two of those stores are held by the Japanese, and the lone white man has computed the hour of his own demise.

He says that within five years the Nipponese will put him out of business. His store, too, will become Japanized. There were two white hotels in the place; now there is only a Japanese boarding house. There were two white blacksmith shops, now one of them is Japanese. The barber shop, the shoe shop, the fish market and the meat market are owned or operated by the Japanese.

There is a fruit basket factory in the town. It formerly employed white help and the management prefers white help; but when Secretary Bryan walked into the factory he found forty Japanese employed, the foreman being the only white man about. Apparently about half of the employees were women. Some of them had their babies by their sides. As we were preparing to take a picture a woman with a baby rushed out, but she could not take the crib with her. These employees are now all Japanese, while formerly they were all white because, as the manager informed me, so many whites have moved away to avoid Japanese neighbors, he was compelled to employ some Japanese and then the remaining whites began to ooze out because they would not work in the same factory with the Japanese.

We went around to the neat little two roomed school house, presided over by two charming young women—typical American rural school teachers—and found in a primary grade twenty whites and twenty-two Japanese. The white children in the primary were small but among the Japs were two strapping young fellows who had been in high school grades in Japan.

Ten years ago there were one hundred and ten white children in the school. Today there are but forty. The seventy white children who are gone constitute an index to the exodus of white families. Nor was there a single Japanese child in the school a decade ago.

In the town of Florin the great majority of people one meets in the streets and stores are Japanese. All but a few of the workers seen in the fields are Japanese. One may stand at the freight station in the afternoon when the fruit is coming in for shipment and see forty wagons drawn up in line before the station platform, every wagon driven by

a Japanese. There will be Japanese check clerks, Japanese roustabouts, Japanese foremen and Japanese fruit buyers. The whole scene is Japanese.

To see an American community that had been representative of the very best elements of our rural life thus completely displaced by Orientals gives one a strange sensation. This sensation is deepened when one drives up to an American farm only to find it inhabited by Japanese. Imagine ourselves bowling along a splendid California roadway with the finest of fruit farms on every hand. We see the fence by the side of us and know an American built it. We see the house designed after American architectural plans, surrounded by trees and lawns and that profusion of flowers with which California's soil and climate repays so bountifully the touch of an affectionate hand. The house is environed by beautiful vineyards or orchards and the whole is a picture of independence and contentment that makes the life of the California rancher seem ideal.

But driving in at the big gate we are pained to notice an air of neglect about the garden and the door yard. The grass is uncut, the flowers look neglected. The very house has an absentee air about it. There are no lace curtains at the windows, only shades. One of the shades goes up and a face is seen, peering, inquisitive, suspicious. It is the face of an oriental. We round the corner and Japanese babies are sprawling before the door. We turn toward the barnyard and a pair of Japanese boys are romping there. The barnyard itself has an empty look. There are no cows or calves, not even a fowl, for these Japanese of Florin are tillers of the soil pure and simple. Beyond the barn one sees a Japanese plowing. In a berry patch to the left half a dozen men and women are squatting in the rows, pushing their picking trays before them. If we could look inside of this American house and see how it is furnished and occupied by its Japanese owners we should be still more depressed.

Pictures of cherry-blossom festivals in the Flowery Kingdom and stories of the wizardry of Japanese gardeners would lead one to suppose these Japanese "occupations" would be found blossoming with floral beauty and fragrance. The contrary is true. Nothing appears to receive attention but that which can be sold for money.

The rainbow hues fade out as we see these people in the midst of a Western environment. Sordid realism takes the place of romance. We see merely an alien race with likes that are not our

likes, ambitions that are not our ambitions, satisfactions that are not our satisfactions, with morals that are to us no morals, and habits of life that make social relation with them utterly impossible.

At the next farm we find the same condition, a Japanese family in an American home, except that perhaps it is not a family—merely three or four men and a woman whose status is exceedingly doubtful. At the next farm we see an American in possession but learn that he is going to leave. His farm is for sale or lease.

Neither he nor his family can endure the prospect of Japanese neighbors, and because of those neighbors the selling value of his farm upon which he has lavished the long labors of years is greatly decreased. And so it goes over the beautiful countryside of Florin.

What the Japanese have done in Florin they have done to a greater or less degree in the fruit-growing districts of Solano, of Santa Cruz and Placer Counties, and in the vegetable-growing delta district at the confluence of the Sacramento and the San Joaquin Rivers.

Moreover, what the Japanese have done in certain farming communities they have done also in the cities. Sacramento, San Francisco, Oakland, Los Angeles, Stockton, all have their Japanese quarters, block after block, solid or becoming solid, where the brown men come in, purchased a foothold at an exorbitant cost, and then by their social obnoxiousness depressed rental and property values till whites were forced out and the Asiatic tide flowed in behind them unobstructed.

Now let it be borne in mind that this reference to the Japanese colonies in the cities is, for the purpose of this article, purely illustrative, because the Treaty of 1911 with Japan expressly concedes to the Japanese the right to lease and occupy real estate for residential and certain business purposes.

Reverting again to the disturbed areas it must be borne in mind all the time that these are comparatively small. There are only 55,000 Japanese in California; and but half of these are engaged in agricultural pursuits. In many communities the labor of these men is exceedingly welcome. In some of the very counties where the Japanese population is largest the Japanese fit into the industrial scheme so well that the only protest comes from the white laborer who must compete against them.

In the beginning the California rancher hailed the advent of the Japanese laborer joyously. He was by no means ideal; he was hired principally in gangs

and through a boss; he was tricky, grasping, and unscrupulous about keeping contracts; but he filled a gap created by the gradual decrease of the Chinese since the exclusion act, and he was the best available until the hoped-for influx of agricultural labor from Europe should come by way of the Isthmus Canal.

Besides all of which the Jap is peculiarly adept at "squat" labor. Because of that the berry crop of California is almost entirely in his hands.

In some situations, too, he has worked successfully where the white man could not work at all.

For instance, in the delta of the San Joaquin and Sacramento Rivers where the white man could not compete with unhealthy nature, the Japanese came in, survived year after year, raised a better potato crop than the white man could raise, graded it better, sold it better, and has all but taken entire possession of the land.

The leading producer in this whole district is a Japanese, George Shima, who is sometimes called the potato king. He is said to be worth a half million dollars and is assessed in the San Joaquin Valley for \$141,680.

Yet the use of fuel oil by steamers with its consequent wastage from passing boats and seepage into the tule grasses has killed out the mosquitoes to such an extent that it is claimed in a few years more the delta will be comfortably habitable for white men, and they will be prepared to go back and contend with the Japs for a place upon this soil of Egyptian richness.

Formerly the Japanese worked cheaper than the Chinaman, but now he gets as much as the Celestial or even the Italian farm laborer.

Japanese farm labor falls into two classes: the gang labor of the picking and harvesting crew, and the all-the-year-round labor. The coming and going of these large gangs of temporary Japanese laborers constituted no serious social problem; but the farmer began to find it to his advantage to employ the all-the-year-round labor by means of leases, usually under such terms as retained control of the entire agricultural operation in the hands of his Caucasian self. The advantage to the landlord was that it relieved him from the whimsical and uncertain disposition of Japanese labor, which could then no longer jump up and leave him in the middle of the night or in the process of crop growing or harvest.

But these leases proved a stepping-stone to Japanese ownership of the lands. Once a foothold was gained, the Japanese colonization operated to the

exclusion of the whites in two ways. The first was by forcing the whites out of employment upon the soil. The extent of this crowding out was startlingly revealed by an investigation conducted in 1909 by the State of California into the relation of the Japanese population to agricultural operation.

This commission visited 4102 farms scattered over twenty-six counties. It found 1733 of these farms operated by Japanese either as owners or lessees. On these Japanese-operated farms 96 percent of the labor employed was Japanese. Of the 2369 farms, 54.4 percent of the labor was white, 36.4 percent was Japanese, and the remaining 10.2 percent was Chinese, Mexican, Hindu and Indian.

In other words the coming of Japanese into possession or control of the farms of a given community occasions a reduction of white labor employed by approximately 90 percent—which practically means obliteration.

The second blighting effect is through social pressure. There is little use to argue or speculate over whether the two races should dwell together in brotherly affection. The fact is that they will not.

The Japanese—without meaning any disrespect to the little brown man—does not commend himself to the average American farmer family as a desirable neighbor. He is not overly clean. He is accused of being unmoral. It is claimed the Japanese have no marriage tie as we know the institution. Women, if scarce, may be held pretty much in common. The white farmer's wife does not run in and sit down to gossip with the Japanese farmer's wife and she does not want the Japanese farmer's wife running in to gossip with her. Their children cannot play together. Jenny Brown cannot go for a buggy ride with Harry Hirada. The whole idea of social intercourse between the races is absolutely unthinkable. It is not that the white agriculturist cannot compete with the Japanese agriculturist. It is that he will not live beside him.

So, in the fruit-growing districts of California, when the Japanese get a foothold through ownership or a long term lease, there is nothing for the American family to do but to move. The Jap has found that out. He knows he may have to pay an exorbitant price for the first piece of real estate in a community, but he knows also that his presence will depress the value of the next and the more he buys the cheaper the land around him becomes. This is very well for him. It is not well for the American farmer who helplessly

sees the value of his property impaired without power to remedy, since once the Japanese gets title to that property there is no way of ousting him.

In consequence the California fruit farmer in the threatened communities seeks a law prohibiting the Japanese from acquiring agricultural lands. To make this protection real, there must ultimately be a law forbidding him to lease agricultural land; but in order to give the farmer time for adjustment to the new conditions that must come, the right to make leases for terms not exceeding three years was provided for in the bill enacted. Again the hoped-for relief is immigration from Europe by way of the canal.

But still the question recurs: since Japanese laborers are now excluded from the country, why does the question not abate instead of becoming more acute? The answer is that the very fact of exclusion has tended toward provision for permanent residence in this country. Up to that time the Japanese communities were more or less in the nature of temporary camps. Men came over for a few years, engaged in business or labor, made money, and went back. The new disposition to permanent settlement is strikingly revealed in the increase in the number of Japanese women immigrants. Up to 1904, when there was little or no serious talk of exclusion, the number of Japanese women who came in was but about six in the hundred. In 1911 the number was seventy in the hundred. The method of getting these women into the country in the face of exclusion by the so-called Gentlemen's Agreement of 1908 is by the familiar device of a "picture marriage." By this process the Japanese in America sends his picture home, some woman marries the photograph, and then the Japanese Government issues a passport to the picture bride. It is reported that the Japanese Government favors in passport issuance the picture bride of the man who has effected a lodgment upon California soil.

The extent to which this colonization is going on in Sacramento County, for instance, is shown by the fact that for the year ending May 1, 1913, 118 leases and 122 deeds to Japanese were recorded. For the month of April alone 26 deeds to Japanese were recorded, or one-fifth as many as in the whole year previous, indicating the hurry to get transfers recorded before the Anti-Alien Land Law could shut them off. Increased activity in buying and leasing was one reason why the proponents of the legislation were unwilling to suspend action for two years. They did

not believe the Japanese land buyers would also suspend activity. On May 8, the very morning of my inquiry at the Recorder's office, one ten-year lease to Japanese and six deeds came in.

As also significant, the fact is cited that within a short space of time ten transfers of property to Hindus were made in one small settlement adjacent to city of Sacramento, showing that the bill will also curb the activities of certain other "aliens ineligible to citizenship."

A still more startling piece of information gleaned from the Recorder's office was that the number of births for the year in the county of Sacramento, outside the corporate limits of the city of Sacramento, was 274, of which 107 were Japanese. This bears out the assertion made in Florin and other districts that, since the great influx of women, Japanese babies are beginning to rain down.

To show how greatly California rural communities begin to dread this Japanization, and how desperately they struggle to protect themselves, the case of the town of Elk Grove is cited. Elk Grove, also in Sacramento County, lies eight miles beyond Florin to the south, and is like it, a fruit growing district, but with the products slightly more diversified. The Elk Grove district is very prosperous. The little town bears evidence of this in neat rows of modern cottages, in business blocks, several of which are new, trim, and substantial. The general air of Elk Grove is one of progress and prosperity, quite in contrast to that of Florin. But this different appearance is due to the fact that Elk Grove is strictly an American community. It earnestly desires to remain so, yet has lived in yearly horror of the Japanese invasion. Every measure possible to protect itself has been taken. On December 5, 1911, the Elk Grove Board of Trade adopted two resolutions which, after a half dozen whereases of various import, declared as follows:

RESOLVED, That we, as a body and as individuals, do now and at all times utterly condemn the practice of selling land to Japanese in this vicinity, and, be it further

RESOLVED, That we shall at all times urge all citizens of this community to use their best endeavor to keep this vicinity free of Japanese residents.

Similar resolutions were adopted by the Elk Grove Grange.

But this was not deemed sufficient. An agreement was drawn up, the kernel of which is:

"That we will not sell at any time any of our real property to one of the

Asiatic race, nor permit anyone to do so for us."

This agreement was presented to all landowners within a radius of four miles of Elk Grove, and all but four signed it. This information was furnished to me by Mr. Charles H. Cooper, secretary of the bank of Elk Grove, with a letter from which I quote:

"There is one thing that is certain to come to pass in any community where Japanese start buying land, and that is that the white people will leave that community as soon as they can make satisfactory disposition of their property. The white people of the East who criticize us so severely would take the same stand as we do if they lived here in competition with the Japs. In fact, some of the most ardent supporters of alien-land legislation in this community are the people who lately came from the East and bought property, and when they found that they would likely have Japs for neighbors in the near future, they soon changed their views."

But even if every man signed the agreement, it would be powerless to protect Elk Grove. The Japanese, creeping steadily down from Florin, buying or leasing one farm after another, and making the next farm untenable, would inevitably overflow Elk Grove, drive out the whites, and turn that beautiful little city into a Japanese town. Their only hope was law.

The Democratic State platform of 1912 had declared:

"We favor the passage of a bill that will prevent any alien not eligible to citizenship from owning land in the State of California.

Now it happens that Elk Grove and Florin are both in the same Assembly district. The Democratic candidate for the Assembly was a young attorney of Sacramento, Hugh B. Bradford by name. He made his campaign almost solely on the basis of this anti-alien plank in the Democratic platform.

When at caucus time, before the opening of the legislative session, the representatives of the Panama-Pacific Exposition appeared and made their almost tearful plea that no anti-Japanese measure should even be discussed, Bradford was one of the men who could not be moved. He declared his intention to introduce an anti-alien land bill on the first day, and he did.

In the Senate was also a man who would not listen to argument, Senator Birdsall of Placer County, who, when his name was called, arose and introduced an anti-alien land bill, which, with slight amendment, became the

Webb bill, finally passed by both Houses. However, Bradford in the Assembly was the first to get his bill to a vote, and on April 15 it was passed, the ayes being 60 and the noes 15.

It was this favorable vote on the Bradford bill that precipitated the sensation which was both national and international in character, and resulted in some delicious bits of political complication.

First, there was the seemingly paradoxical position of President Wilson himself on the matter at issue. Both Roosevelt and Taft had hammered California legislators hard when they attempted to discuss anti-Oriental legislation. But President Wilson had been made to appear committed to the other side.

The Democratic State Campaign Committee of 1912 had circulated widely a card, on one side of which was printed "Wilson and the Japanese," and reading:

"Woodrow Wilson is for the exclusion of the Japanese from the United States. On May 3, 1912, he said: In the matter of Chinese and Japanese coolie immigration, I stand for the national policy of exclusion. The whole question is one of assimilation of diverse races. We cannot make a homogeneous population out of a people who do not blend with the Caucasian race. Their lower standard of living as laborers will crowd out the white agriculturist, and is in other fields a most serious industrial menace. The success of free democratic institutions demands of our people education, intelligence, and patriotism, and the State should protect them against unjust and impossible competitions. Remunerative labor is the basis of contentment. Democracy rests upon the equality of the citizens. Oriental coolieism will give us another race problem to solve, and surely we have had our lesson."

No more effective statement of the case for these rural and semirural communities threatened with Japanese submergence could have been made. Of course Mr. Wilson was speaking directly of exclusion, but when he said that "intelligence and patriotism and the State should protect them—i. e., white agriculturists—against unjust and impossible competition," he was voicing exactly what the white agriculturist is crying for today in the alien land bill—protection!

Moreover, the Democratic State Campaign Committee, upon the reverse of the card, under the title of "Roosevelt and the Japanese," had placed a quotation from Roosevelt's message to

Congress, recommending that Japanese be admitted to citizenship, and certain additional sentences of which the following two are a good sample:

"Roosevelt believes the Japanese should be allowed to overrun the land of California. He demanded of the State Legislature that it enact no laws denying Japanese the right to acquire title to land."

This piece of campaign literature undoubtedly cost Roosevelt many votes and undoubtedly gained many for President Wilson, yet here was President Wilson standing in the exact position of his predecessors and asking that no legislation be enacted.

The President, however, is by no means to be accused of insincerity on this showing. He appears to have been forced by considerations of state into a position to which his convictions would never lead him.

Another paradoxical element cropped up in the position over State rights. President Wilson is the national leader of a political party which emphasizes the doctrine of State rights; yet here he was at the door of a State urging the nation's rights. On the other hand, Governor Johnson had been the Vice Presidential candidate for a party which stands for a super-emphasized nationalism, yet he was placed in the position of sustaining before an insistent President the rights of a State to its own autonomy.

Still another paradox arose out of the fact that the anti-alien land program, in so far as it was a party measure at all, was strictly a Democratic one.

But to pick up the thread of the narrative: With the passage of the Bradford bill, Japan protested to the President, and the President protested to Governor Johnson, and Governor Johnson passed the protest to the Legislature.

While up to this time Governor Johnson had taken no fatherly interest whatever in the Anti-Alien Land Bill, he resented the volley of criticism which was leveled at the Legislature by the Eastern press, and besides assuring the President that the Legislature might be depended upon to respect both treaty obligations and its own duty to the nation, he leaped into the newspaper columns himself with some paragraphs of bristling argument in behalf of the State rights to enact this protective legislation exactly as Arizona, Washington, and other States had done. California, it appeared, was being put before the nation in the position of a bad boy who was rocking the boat when, as a matter of fact, he

was only trying to steer. The firing of the Governor's first barrel of argument in rebuttal centered press criticism upon himself. His response to this was a second barrel rejoinder, reinforcing his arguments by additional citations of the acts of other States, and declaring:

"We protest, while we are merely debating similar laws, against having trained upon us, not only the verbal batteries of Japan, but those of our own community."

But all the while, too, Governor Johnson was receiving intimations that he was jeopardizing the interests of the national Progressive party by taking a stand that was not popular in the East. At about the same time telegrams began to arrive in the Executive's office from Oyster Bay. These telegrams have never been made public, but a section of the press assumed them to consist of exhortations to stand pat against the proposals from Washington. Such inference overlooks the fact that Colonel Roosevelt as President had himself successfully coerced a California Legislature into inaction when bent on similar intent; therefore it may be concluded safely that anything which came to Governor Johnson from Colonel Roosevelt was in the way of an exhortation to stand from under.

But the state of the Governor's mind appears to have been that of the majority of the Legislature—a disposition to let the matter sleep if it would, but—soothing sirup failing—the issue once clearly raised, there was to him, as to others, but one side to the question. Accordingly, since the time of the passage of the Bradford bill, he had been gradually coming to feel that, despite all questions of expediency, some such legislation was inevitable, and on the very night before Secretary Bryan's arrival, the Governor announced to the Progressive leaders that he was for some such enactment as the Birdsall bill, then pending in the Senate.

However, his nearest approach to a public exercise of the gubernatorial influence was the widely published utterance made near the close of the second joint legislative conference with Mr. Bryan on the first day of the Secretary's arrival. All the afternoon Mr. Bryan had been bearing down upon the fact that the dignity of Japan had been offended. At length the Governor asked the floor, and in the course of a four-minute speech uttered these sentences:

"The point of inquiry, it seems to me, should be—and I speak perhaps academically in this regard—not: Is Japan offended today, but is Japan

justly offended today? Is there anything that is contemplated by the Legislature of the State of California that should give and would give to any nation logically looking at the problem just offense? If there be just offense given, none of us desires that that shall be so; but if it be a fact that offense is taken where justly it ought not to be taken, then we are justified in proceeding with our legislation in the State of California."

These remarks of the Governor were received with prolonged applause.

In the meantime Secretary Bryan had completely failed to impress the Legislature with any reason for abandoning the proposed enactment, which the members felt was solid enough to be offered successfully to their constituents as an excuse for postponement of action.

However, as the representative of the titular head of the Democratic party, appealing to Democratic members of the Legislature, Secretary Bryan was more successful. His party reasons appeared to be more cogent than his diplomatic ones.

At his suggestion Senator Curtin introduced a resolution postponing the issue for two years, and for this resolution every Democratic Senator but two and all but six of the Democratic Assemblymen voted; but the Progressives were almost solidly against it, so that the Curtin resolution was lost by 46 to 23 in the Assembly, and 26 to 10 in the Senate.

At all times Mr. Bryan conducted himself with consummate tact and won the affection of everyone with whom he came in touch, including the Progressive Governor, who, although he found it necessary to oppose his mission, yet declared that it was doubtful if any other than the altogether charming Secretary of State could have carried himself through the delicate situations in which he was placed and in which he placed himself without certain shipwreck.

On the other hand everyone was kind to Mr. Bryan. The Governor entertained him in his home. The Lieutenant Governor placed his office at the Secretary's disposal, thus affording him accommodation across the hall from the Senate.

The Legislature and the legislators heard him whenever he desired to be heard, and the Assembly even went so far as to interrupt its debate before

the final vote on the bill to allow him to say good bye, good-naturedly assenting when he seized the occasion to make one final plea for postponement.

During the Assembly debate to which Mr. Bryan was a listener, a point came out which revealed to the Secretary of State that his cause had been hopeless from the first.

This was an unchallenged statement to the effect that the labor movement in the State had, ever since the election campaign, held the pledges of 90 per cent of the legislators to vote for an Anti-Alien Land Bill.

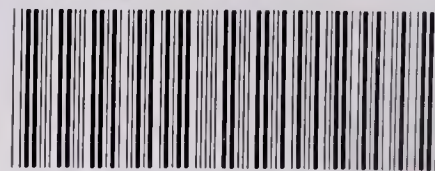
While the presence of Secretary Bryan in the Capital of a sovereign State actively endeavoring to influence legislation produced some tense and delicate situations, no unpleasantness of any kind resulted; and when he failed to attain the object of his mission, he undoubtedly secured for the President valuable first-hand information as to the state of the popular mind on the cause in issue, and it is not likely that anything but good will come from the visit aside from the establishment of what may be regarded as a doubtful precedent.

It remains but to say a word about the law. Undoubtedly the President's criticisms, suggestions, and objections resulted in a more euphemistic wording of the document. The words "ineligible to citizenship" do not appear. This is avoided by affirming in one section the rights of aliens eligible to citizenship, and then in a second section affirming that aliens not covered by the first section may "acquire, possess, enjoy, transmit, and transfer real property . . . in the manner and to the extent and for the purposes presented by any treaty now existing," etc.

By the expedient of this phrasing, the law not only avoids contravening the Treaty of 1911 with Japan but follows the very line of cleavage laid down by that document, which as before stated secured to the Japanese the right to lease and occupy land for certain residential and business purposes but was emphatically silent on agricultural lands.

It is difficult to see, therefore, how the Japanese nation can successfully oppose a law which practically enacts a Japanese treaty into a California statute and bars the Japanese citizens from no privilege in California from which California's citizens are not also barred in Japan.

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